

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING ADDITIONAL TERRITORY TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COLLEGE STATION, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That the City Council hereby finds that it has received a request for inclusion of property in the extraterritorial limits of the City of College Station by Harold B. Trant, Sr., and Rosealice Trant for the property set out in Exhibits A, B and C attached to the "Request for Inclusion in the Extraterritorial Jurisdiction of the City of College Station", attached to this ordinance and made a part of this ordinance for all purposes.
- PART 2: That the City Council hereby incorporates in the extraterritorial jurisdiction of the City of College Station the property described above in Exhibits A, B and C, pursuant to Section 42.022 of the TEXAS LOCAL GOVERNMENT CODE.
- PART 3: That if any tract or portions of any tract, provisions or any section of this ordinance, shall be held to be not incorporated in the extraterritorial jurisdiction of the City of College Station, void or unconstitutional, such holding shall in no way affect the validity of the remaining tracts, provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 4: Said ordinance shall become effective immediately after its date of passage by the City Council as provided by Section 35 of the City Charter of the City of College Station, Texas.

PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

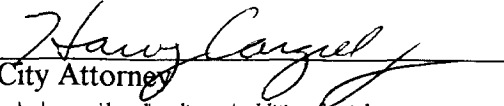
ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
LYNN McILHANEY, Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney  
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03/30/2001

REQUEST FOR INCLUSION IN EXTRATERRITORIAL JURISDICTION OF THE CITY  
OF COLLEGE STATION, TEXAS PURSUANT TO LOCAL GOVERNMENT CODE  
SECTION 42.022

The undersigned, Harold B. Trant, Sr. and wife, Rosealice Trant, are the owners of various contiguous parcels of real property in Grimes County, Texas within the George W. Seaton Survey A-409, the Joseph T. Robinson Survey A-390 and the George Mason Survey A-342. This property adjoins and is contiguous to the existing extraterritorial jurisdiction of the City of College Station. Pursuant to the provisions of Local Government Code Section 42.022(b), we hereby request the City of College Station expand its extraterritorial jurisdiction to include all real property owned by us which is located south of State Highway 30 and in the George W. Seaton Survey A-409, the Joseph T. Robinson Survey A-390, and the George Mason Survey A-342. A legal description and metes and bounds field notes description for all such tracts for properties in the George W. Seaton Survey A-409 are attached hereto as Exhibit "A"; for properties in the Joseph T. Robinson Survey A-390 are attached hereto as Exhibit "B"; and for properties in the George Mason Survey A-342 are attached hereto as Exhibit "C". All such Exhibits are incorporated herein for all purposes.

Executed this 30 day of MARCH, 2001 by Harold B. Trant, Sr. and wife, Rosealice Trant.

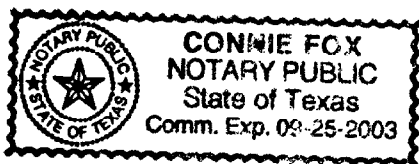
  
HAROLD B. TRANT, SR.

  
ROSEALICE TRANT

STATE OF TEXAS §

COUNTY OF Grimes §

This instrument was acknowledged before me on March 3, 2001, by  
Harold B. Trant, Sr. and wife, Rosealice Trant.



Connie Fox  
Notary Public, State of Texas

EXHIBIT A  
HAROLD B. TRANT  
G.W. SEATON SURVEY, ABSTRACT NO. 409

Tract 1

50.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, being out of a tract of 162 acres of land, more or less, described in deed from Any R. Neeley et al. to R.P. Trant, recorded in Volume 161, Page 9 of the Deed Records of Grimes County, Texas, which larger tract is designated as Tract 9 in Plaintiff's First Amended Original Petition in Cause No. 30,384-361 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas, and which 50.00 acres, more or less, consists of all the land in the 162 acre tract located east of the existing fence line dividing the 162 acre tract.

Tract 2

2.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, and being more particularly described in deed from G.B. Owens to R.P. Trant, et al., recorded in Volume 117, Page 417 of the Deed Records of Grimes County, Texas.

Tract 3

50.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, being out of 71.70 acres of land, more or less, described as Tract Two in deed from Nora Hill Stubbs et al. to R.P. Trant, recorded in Volume 262, Page 676 of the Deed Records of Grimes County, Texas, which larger tract is designated as Tract 20(b) in Plaintiff's First Amended Original Petition in Cause No. 30,384-361 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas, and which 50.00 acres, more or less, consists of all the land in the 71.70 acre tract located east of the existing fence line dividing the 71.70 acre tract.

Tract 4

50.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, and being more particularly described as Tract Four in deed from Nora Hill Stubbs, et al. to R.P. Trant, recorded in Volume 262, Page 676 of the Deed Records of Grimes County, Texas.

Including any strips and gores related to or associated with Tracts 1-9 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.

Tract 5

20.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, being out of a tract of 40 acres of land, more or less, described in deed from Lucille Meachum et al. to R.P. Trant, recorded in Volume 190, Page 437 of the Deed Records of Grimes County, Texas, which larger tract is designated as Tract 24 in Plaintiff's First Amended Original Petition in Cause No. 30,384-381 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas, and which 20.00 acres of land, more or less, consists of all the land in the 40 acre tract located east of the existing fence line dividing the 40 acre tract.

Tract 6

60.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, and being more particularly described in deed from Ernest W. Sydow et al. to R.P. Trant, recorded in Volume 190, Page 482 of the Deed Records of Grimes County, Texas.

Tract 7

2.60 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, and being the same tract of land described in deed dated October 10, 1905, from Lee Rushing et ux. to Jeff Craig, recorded in Volume 59, Page 152 of the Deed Records of Grimes County, Texas.

Tract 8

30.00 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, and being more particularly described in deed from G.E. Rodes, et al. to R.P. Trant, recorded in Volume 221, Page 629 of the Deed Records of Grimes County, Texas.

Tract 9

3.33 acres of land, more or less, lying and being situated in the G.W. Seaton Survey, Abstract No. 409, in Grimes County, Texas, and being more particularly described in deed from Jennie H. Walker et al. to Harold B. Trant, recorded in Volume 350, Page 287 of the Deed Records of Grimes County, Texas.

Including any strips and gores related to or associated with Tracts 1-9 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.

## EXHIBIT B

### HAROLD B. TRANT J.T. ROBINSON SURVEY, ABSTRACT NO. 390

#### Tract 1

60.00 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being more particularly described as Second Tract in deed from Annie T. Perry, et al. To R.P. Trant, recorded in Volume 162, Page 181 of the Deed Records of Grimes County, Texas.

#### Tract 2

48.75 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being the 48.75 acres of land described in deed from Joe Holly, et al. to R.P. Trant, recorded in Volume 224, Page 599 of the Deed Records of Grimes County, Texas.

#### Tract 3

10.00 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being out of the 24.81 acre tract of land described in deed from Frances W. Rucker, et al. to R.P. Trant, recorded in Volume 223, Page 69 of the Deed Records of Grimes County, Texas.

#### Tract 4

10.00 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being more particularly described in deed from Eloise Harris, et al. to R.P. Trant, recorded in Volume 279, Page 83 of the Deed Records of Grimes County, Texas.

#### Tract 5

One-half (1/2) undivided interest in a tract of land, being 47.5 acres, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being out of the 53.75 acres of land described in deed from Vivienne Buffington Gaines, et al. to R.P. Trant, recorded in Volume 223, Page 70 of the Deed Records of Grimes County, Texas.

Including any strips and gores related to or associated with Tracts 1-13 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.

#### Tract 6

6.25 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being out of the 53.75 acres of land described in deed from Vivienne Buffington Gaines, et al. to R.P. Trant, recorded in Volume 223, Page 70 of the Deed Records of Grimes County, Texas.

#### Tract 7

14.81 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being out of the 24.81 acre tract of land described in deed from Frances W. Rucker, et al. to R.P. Trant, recorded in Volume 223, Page 69 of the Deed Records of Grimes County, Texas.

#### Tract 8

30.00 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, being out of a tract of 44.43 acres of land, more or less, described in deed from Ike S. Ashburn, III to R.P. Trant, recorded in Volume 221, Page 42 of the Deed Records of Grimes County, Texas, which larger tract is designated as Tract 43 in Plaintiffs' First Amended Original Petition in Cause No. 30,384-361 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas and which 30.00 acres of land, more or less, consists of all land in the 44.43 acre tract located south of Highway 30.

#### Tract 9

10.00 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, being out of a tract of 20 acres of land, more or less, described in deed from Mary E. Meachum to R.P. Trant, recorded in Volume 195, Page 433 of the Deed Records of Grimes County, Texas, which larger tract is designated as Tract 31 in Plaintiffs' First Amended Original Petition in Cause No. 30,384-361 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas, and which 10.00 acres of land, more or less, consists of all the land in the 20 acre tract located south of Highway 30.

#### Tract 10

6.00 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and being more

Including any strips and gores related to or associated with Tracts 1-13 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.

particularly described in deed from Hallie Showalter, et al. to R.P. Trant, recorded in Volume 237, Page 476 of the Deed Records of Grimes County, Texas.

Tract 11

One-Half (1/2) undivided interest in a tract of land, being 10.00 acres, more or less, described in deed recorded in Volume 867, Page 728 of the Deed Records of Grimes County, Texas.

Tract 12

One-Half (1/2) undivided interest in a tract of land being 20 acres, more or less, described in deed recorded in Volume 659, Page 346 of the Deed Records of Grimes County, Texas.

Tract 13

An undivided 12.12 acres of land, more or less, in and to 97 acres of land, more or less, lying and being situated in the J.T. Robinson Survey, Abstract No. 390, in Grimes County, Texas, and which 97 acres of land is more particularly described in deed from Hallie Showalter et al. to R.P. Trant, recorded in Volume 237, Page 476 of the Deed Records of Grimes County, Texas, and also in deed dated December 23, 1959, from Mary Grace Spann Swanson et vir. To R.P. Trant, recorded in Volume 237, Page 480 of the Deed Records of Grimes County, Texas.

Including any strips and gores related to or associated with Tracts 1-13 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.



## EXHIBIT C

### HAROLD B. TRANT GEORGE MASON SURVEY, ABSTRACT NO. 342

#### Tract 1

35.00 acres of land, more or less, lying and being situated in the George Mason Survey, Abstract No. 342, in Grimes County, Texas (erroneously stated as being in the J.T. Robinson Survey in Plaintiffs' First Amended Original Petition in Cause No. 30,384-361 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas), and being more particularly described in deed from Larry Jacobs to R.P. Trant, recorded in Volume 193, Page 480 of the Deed Records of Grimes County, Texas.

#### Tract 2

50.00 acres of land, more or less, lying and being situated in the George Mason Survey, Abstract No. 342, in Grimes County, Texas (erroneously stated to contain 126 acres in Plaintiffs' First Amended Original Petition in Cause No. 30,384-361 in the 361<sup>st</sup> Judicial Court of Brazos County, Texas), and being more particularly described in deed from Mamie Gillen et vir. to R.P. Trant, recorded in Volume 221, Page 605 of the Deed Records of Grimes County, Texas.

#### Tract 3

568.359 acres of land, more or less, out of the George Mason Survey, Abstract No. 342, in Grimes County, Texas, and being comprised in part by two tracts (1) described as a 200 acre tract of land in a deed recorded in Volume 33, Page 98 of the Deed Records of Grimes County, Texas and (2) described as a 314 acre tract of land in a deed recorded in Volume 33, page 434 of the Deed Records of Grimes County, Texas and being more particularly described as follows:

BEGINNING: At a concrete monument for the southeast corner of this tract, said point also being the southeast corner of the above referenced 314 acre tract and the approximate southeast corner of the George Mason Survey A-342, and having Central Zone, Texas State Plane Coordinates of N 355274.49 and E 3320275.13;

THENCE: S 86° 41' 47" W, 5364.27 feet along the south line of the George Mason Survey A-342 to an iron pin set for the southwest corner of this tract, said point also being the approximate southwest corner of said Survey;

Including any strips and gores related to or associated with Tracts 1-3 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.

THENCE: N 03° 17' 08" W, 3585.81 feet along the west line of said George Mason Survey A-342 to an iron pipe found in same for most westerly northwest corner of this tract;

THENCE: N 86° 15' 01" E, 2694.53 feet to an iron pin set for an interior corner of this tract;

THENCE: N 03° 17' 98" W, 2036.56 feet to an iron pin set in the north line of the George Mason Survey A-342 for the most northerly northwest corner of this tract;

THENCE: N 86° 41' 47" E, 2670.16 feet along said north line to an iron pin set for the northeast corner of this tract and the approximate northeast corner of the George Mason Survey A-342;

THENCE: S 03° 16' 56" E, 543.35 feet along the east line of said Survey to the POINT OF BEGINNING and containing 568.359 acres of land more or less. All bearings are based on Texas State Plane Coordinate System, Central Zone.

Including any strips and gores related to or associated with Tracts 1-3 and any lands immediately contiguous to said tracts, the title of which is being claimed by Petitioners, Harold B. Trant, Sr. and Rosealice Trant.

**MUNICIPAL BOUNDARIES & ANNEXATION**  
**Ch. 42**

**§ 42.021**

**SUBCHAPTER A. GENERAL PROVISIONS**

**§ 42.001. Purpose of Extraterritorial Jurisdiction**

The legislature declares it the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

**Historical and Statutory Notes**

**Prior Laws:**

Acts 1963, 58th Leg., p. 447, ch. 160, art. I.  
Vernon's Ann.Civ.St. art. 970a, § 3, subsec. A.

**Library References**

Municipal Corporations § 57.  
C.J.S. Municipal Corporations § 106 et seq.  
9 Texas Pl & Pr Forms, Municipal Corporations § 176:31; 11 Texas Pl & Pr Forms, Quo Warranto § 210:7.

**Texts and Treatises**

52 Texas Jur 3d, Mun §§82, 83; 77 Texas Jur 3d, Zoning § 71.

[Sections 42.002 to 42.020 reserved for expansion]

**SUBCHAPTER B. DETERMINATION OF EXTRATERRITORIAL JURISDICTION**

**Cross References**

Annexation, application of this subchapter, see V.T.C.A., Local Government Code § 43.001 et seq.

**Library References**

Municipal Corporations § 57.  
C.J.S. Municipal Corporations § 106 et seq.

**§ 42.021. Extent of Extraterritorial Jurisdiction**

The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

- (1) within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;
- (2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;
- (3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;
- (4) within 3½ miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or

## § 42.021

## ORGANIZATION OF MUNICIPAL GOVERNMENT Title 2

(5) within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

### Revisor's Note

(1) A section of the Code Construction Act (Section 311.015, Government Code) states that if a statute refers to a series of numbers, the first and last numbers are included. The population brackets in the revised law are drafted in accordance with this principle.

(2) The source law refers to extraterritorial jurisdiction being comprised of "unincorporated area, not a part of any other city." The reference to "not a part of any other city" is omitted from the revised law because the substance of that phrase is included within the meaning of "unincorporated area."

### Historical and Statutory Notes

#### Prior Laws:

Acts 1963, 59th Leg., p. 447, ch. 160, art. I.  
Vernon's Ann.Civ.St. art. 970a, § 3, subsec. A.

### Cross References

Apportionment of extraterritorial jurisdiction, see V.T.C.A., Local Government Code § 42.901.

### Library References

9 Texas Pl & Pr Forms, Municipal Corporations § 176:31; 11 Texas Pl & Pr Forms, Quo Warranto § 210:7.	Texts and Treatises 52 Texas Jur 3d, Mun § 298.
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### Notes of Decisions

**In general** 1  
**Date of determining population** 2  
**Municipal status** 3  
**Navigation district** 4

1976) 532 S.W.2d 668, ref. n.r.e., error granted, set aside.

#### 3. Municipal status

An unincorporated city is not a "city" within Vernon's Ann.Civ.St. art. 970a (repealed; see, now § 42.041), providing that no city may be incorporated within area of extraterritorial jurisdiction of any city without written consent of governing body of such city. State ex rel. City of Azle v. City of Sanctuary (Civ.App. 1971) 467 S.W.2d 211, ref. n.r.e..

Extraterritorial jurisdiction is vested in municipal corporation only when proposed municipality reaches corporate status, not upon filing of petition for incorporation. Universal City v. City of Selma (Civ.App. 1974) 514 S.W.2d 64, ref. n.r.e..

De facto municipality was entitled to same legal rights, and assumed same legal responsibilities, as de jure city, including extraterritorial benefits set forth in Vernon's Ann.Civ.St. art. 970a (repealed; see, now, § 42.001 et seq., § 43.001 et seq., § 212.003). Universal City v. City of Selma (Civ.App. 1974) 514 S.W.2d 64, ref. n.r.e..

#### 1. In general

Municipality's annexation of land, otherwise invalid because made in area outside its extraterritorial jurisdiction, was covered by former Civ. St. art. 974d-34, a special statute validating defective municipal annexations. City of Bells v. Greater Texoma Utility Authority (App. 5 Dist. 1990) 790 S.W.2d 6, writ denied.

#### 2. Date of determining population

August 23, 1963, effective date of Vernon's Ann.Civ.St. art. 970a (repealed; see, now, § 42.001 et seq., § 43.001 et seq., § 212.003), was relevant date under the article for determining population of cities involved and thus limits of their extraterritorial jurisdiction. City of Kennedale v. City of Arlington (Civ.App.

## MUNICIPAL BOUNDARIES & ANNEXATION

### Ch. 42

#### 4. Navigation district

City's navigation territory could overlap with its extraterritorial jurisdiction, and existence of navigation district did not create gap in extraterritorial jurisdiction beyond which another

city would be able to annex tracts. City of Bridge City v. State ex rel. City of Port Arthur (App. 9 Dist. 1990) 792 S.W.2d 217, writ denied, rehearing of writ of error overruled, certiorari denied 111 S.Ct. 1624, 499 U.S. 977, 113 L.Ed.2d 721.

### § 42.022. Expansion of Extraterritorial Jurisdiction

(a) When a municipality annexes an area, the extraterritorial jurisdiction of the municipality expands with the annexation to comprise, consistent with Section 42.021, the area around the new municipal boundaries.

(b) The extraterritorial jurisdiction of a municipality may expand beyond the distance limitations imposed by Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion.

(c) The expansion of the extraterritorial jurisdiction of a municipality through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

#### Historical and Statutory Notes

##### Prior Laws:

Acts 1963, 58th Leg., p. 447, ch. 160, art. I.  
Vernon's Ann.Civ.St. art. 970a, § 3, subsec. C.

#### Cross References

Annexation not expanding extraterritorial jurisdiction,  
Airport, municipally owned, see V.T.C.A., Local Government Code § 43.102.  
Municipal utility district, see V.T.C.A., Local Government Code § 43.072.

#### Library References

##### Texts and Treatises

52 Texas Jur 3d, Mun § 299.

### § 42.023. Reduction of Extraterritorial Jurisdiction

The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

#### Revisor's Note

(1) The revised law requires the written consent of a municipality to be given by ordinance or resolution. The reference to "by ordinance or resolution" is derived from the definition of "written consent" appearing in Section 2 of V.A.C.S. Article 970a. See Revisor's Note (2) at the end of Chapter 43.